

REMARKS

In the Office Action, Claims 1-9, 11-14, 16-19, 21-23, 31-36, 38-39 and 44-51 have been rejected under 35 USC 112 as containing subject matter which was not described in the specification; and, Claims 1-9, 11-14, 16-19, 21-23, 31-36, 38-39 and 44-51 stand rejected under 35 USC §102(e) as anticipated by Mostow, et al.

Claims 1-9, 11-14, 16-19, 21-23, 31-36, 38-39, and 44-51 have been rejected under 35 USC 112 based on the use of the term "dynamic generation." While the words "dynamic" and "dynamically" are not expressly found in the original disclosure, Applicants respectfully assert that the language is adequately supported by the teachings of the original disclosure. Throughout the Specification, the inventive system and method is described as being adapted for automatically adjusting or altering the lesson based on the user/student input. Examples of the supporting language can be found in the following passages: Page 4, lines 2-6 which discloses "a system...to automatically increasingly challenge the learner" and "means to present...lessons in varied ways depending upon the proficiency of the student"; page 4, lines 10-14 which discloses "a system which will coordinate and display a joint performance..."; Page 4, lines 20-23 which discloses that "the text 'read' by each participant and the pace at which the lesson progresses can each be automatically altered based upon the proficiency of the student"; Page 8, lines 12-13 which discloses "change the amount of support given to the user"; Page 8, lines 15-16 which discloses "break up the text and control the amount of material that the learner is asked to read"; Page 18, lines 16 et seq, which discloses "regularly updates...with a

revised estimate of the student's competency based upon his or her performance" to "change the manner in which the reading or speaking ...will be shared" and "the interaction...may move from level N [to another level]"; Page 22, lines 9-11 which discloses "periodically perform...updating". It is clear from a review of the foregoing passages that the original Specification taught dynamic generation of the lessons presented to a user/learner. The system and method monitor student progress and automatically adjust the lesson (one or both of lesson content and level of interaction) based on the progress. Applicants believe that the amendment language is adequately supported by the teachings of the Specification; and, respectfully request reconsideration of the rejection under 35 USC 112.

The Examiner has additionally objected to the use of the term "text power set" in Claim 51. Applicants point to the Specification at page 10, lines 6-8, page 11, line 19-page 12, line 23, page 15, line 1 and reference numeral 12 of Fig. 2. The text power set database and its contents are described in detail in the Specification, providing a clear meaning for the term "text power set". It is well established under U.S. Patent Law that terms are interpreted in light of the Specification and that Applicants can define their own terms in the Specification, provided that the meaning thereof does not contradict the well-understood definitions of the terms. Applicants respectfully submit that the language is definite. Applicants also note that the same claim language was found to be definite and patentable in the patent which issued on the parent case, U.S. Patent No. 6,017,219 (see:

e.g., Claim 19). Accordingly, Applicants respectfully request reconsideration of the rejection of Claim 51 as indefinite.

The Examiner has rejected Claims 1-9, 11-14, 16-19, 21-23, 31-36, 38-39 and under 35 USC §102(e) given the teachings of the Mostow, et al patent. Applicants respectfully submit that the Mostow patent does not anticipate the invention as claimed. The Mostow patent provides a reading and pronunciation tutor which includes a tutor function/component 22 that responds to events that are detected at component 20 (see: Col. 3, line 65-Col. 4, line 14). The tutor component will "intervene" in the lesson in one of three ways: preemptively, based on the lesson complexity (i.e., a predefined "event" being the occurrence of a difficult word that the reader is not expected to read); assistively, based upon an explicit user request (i.e., an actuation event); or, correctively, in response to a detected error (e.g., detected silence or detected mispronunciation). What the Mostow tutor generates, though, is a response to an expected event. The Mostow tutor does not dynamically generate a lesson based on the progress of the lesson and/or the detected proficiency of the student; it simply detects an event and generates the programmed response to that detected event.

Applicants respectfully assert that the Mostow patent does not anticipate the invention as claimed. It is well established under U.S. Patent Law that, for a reference to anticipate an invention, that reference must teach each and every claimed feature. In light of the fact that the Mostow patent does not teach a speech recognition system and method including dynamically generating the lesson, Applicants contend that an anticipation

rejection cannot be maintained against independent Claims 1, 7, 21 and 31, and the claims which depend therefrom (Claims 2-6, 11-14 and 44-51 depending indirectly or directly from Claim 1; Claims 8-9 and 16-19 depending directly or indirectly from Claim 7; Claims 22-23 depending from Claim 21; and, Claims 32-36 and 38-39 depending directly or indirectly from Claim 31).

Further, Applicants respectfully disagree with several of the Examiner's conclusions regarding the teachings of the Mostow patent. First, Applicants disagree that the Mostow database of text segments anticipates a database of anticipated incorrect student responses (Claims 2 and 26). The anticipated incorrect student responses were detailed in the Specification as far more than simply correctly pronounced word fragments, as taught by Mostow. The anticipated incorrect student responses include words which are commonly interchanged and expected mispronunciations. Clearly a database of correct syllables or word fragments does not anticipate a database of anticipated incorrect student responses.

With regard to the claimed recitation of at least one database of acoustic information for use by the speech recognition means in interpreting student responses (Claims 4, 5, 30, 41 and 43), Applicants contend that the Mostow storage of sound effects (e.g., to enhance a story or to give a student a hint about the word to be read) is not the same as or suggestive of acoustic information for use by a speech recognition means. Mostow stores sound effects for display. Clearly a database of sound effects for display does not anticipate a database of acoustic information for use in recognizing speech.

With regard to the Examiner's conclusion that Mostow's quality control module anticipates claimed program controller for continually monitoring student progress, Applicants disagree. Mostow evaluates responses to determine if it is "worth it" to save a recording of a lesson. Mostow does not evaluate for monitoring student progress. Clearly a quality control module for evaluating whether to save a recording is not the same as a program controller for continually monitoring student progress. It is arguable that Mostow in fact teaches away from the claim language since Mostow allows its quality control module to decide to not save a recorded lesson, which clearly teaches away from continually monitoring student progress (Claim 11) and then using the monitored results (Claims 12-14).

In response to the Examiner remarks regarding Claim 44, Applicants note that the claimed database of reading level information for adjusting the complexity of the interactive lesson is not the same database that stores student responses. Therefore, any database of Mostow which stores student responses would not anticipate the claimed database which stores lessons for the appropriate reading level regardless of who is reading and how they are reading.

As to the Examiner's comment when rejecting Claim 47 that any database defined in Mostow reads as a session database, Applicants respectfully disagree. The Mostow story text database is not a session database, since the content of that story text database will not change from session to session. Similarly, the speech interpretation database and the pronunciation database are not session-based, since they remain unchanged regardless

of what session is underway when the database is accessed. The contents of the Mostow speech interpretation, pronunciation, and story text databases do not reflect the interactions of any one session and are not, therefore, session-based.

As to the comment citing the "Back" function against Claim 48, Applicants note that Mostow provides a "Back" function so that a user can try a word again. However, the Mostow "Back" function does not replay stored responses, it simply backspaces in the lesson to the word that the user wants to try again. Moreover, clearly Mostow is not using information stored in a session database, since Mostow does not store all session information in a database, but only stores that which the quality control module determines is good enough to store. Clearly Mostow is not using a session database when skipping back to a previous word.

Similarly, it is clear that the use of the session database as recited in Claim 49 is not anticipated since Mostow does not save all session information. Claim 49 covers the teachings whereby a new session can start at a starting point other than the beginning of a text based on information about a previous session which is stored in the session database. Clearly the Examiner's conclusion that "any point in the lesson which is started by the controller may be read as the claimed starting point" cannot be sustained as anticipating establishing a starting point of a lesson based on stored session information from a previous session.

Finally, with regard to the Examiner's conclusion that any text database of Mostow anticipates the "text power set", Applicants again point to the explicit definition of a text

power set as provided in the Specification on page 10. Applicants are not claiming any database having text, they are claiming a very well-defined database of phonemic representations of contiguous words. Mostow simply does not provide any teachings which anticipate the claim language.

Applicants submit herewith a Declaration of Prior Invention which has been executed by all of the inventors. The Declaration establishes that the claimed invention was invented prior to the effective date of the Mostow patent. While Applicants are able to swear behind the Mostow reference, Applicants have nonetheless shown that Mostow does not anticipate the invention as claimed.

In light of the foregoing, it is respectfully requested that the rejections be reconsidered and withdrawn and that the remaining Claims 1-9, 11-14, 16-19, 21-23, 31-36, 38-39 and 44-51 be passed to issuance.

Respectfully submitted,
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Enclosures